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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,195	11/26/2001	Thomas Reisinger	GR 99 P 1912	8292
24131	7590	07/02/2004	EXAMINER	
LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480			ZIMMERMAN, BRIAN A	
			ART UNIT	PAPER NUMBER
			2635	13

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,195

Applicant(s)

REISINGER ET AL.

Examiner

Brian A Zimmerman

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

EXAMINER'S RESPONSE

Status of Application

In response to the applicant's amendment received on 5/6/04. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1-13,16-19 are unpatentable for the reasons set forth in this office action:

Specification

The amendment filed 7/13/2002 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: the specific frequencies of 315 and 915 MHz is not supported by the specification as originally filed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1,4,5,7 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by O'Tool (6696879).

O'Tool shows an access system, see col. 35 lines 41+. The system includes an interrogator sending an interrogation signal, and a transceiver responding to the interrogation signal by sending an access code. Each transceiver responds simultaneously using different spreading codes as claimed. See col. 29 lines 39+ and col. 67 lines 17-40. The transceivers use direct sequence spread spectrum, which avoids collision and increases security. It is known that orthogonal sequences are needed in order to perform DSSS multiplexing. O'Tool also shows the use of frequency hopping which is known to provide bandwidth efficiency and improve security.

2. Claims 8,10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Tool as applied to claim 1 above, and further in view of Barham et al (5432813).

In an analogous art, Barham shows the advantages in using parallel processing in a DSSS system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used parallel processing as suggested by Barham in the DSSS system of Wood in order to increase processing speed and limit the processing speed's impact on the operation of the system.

Regarding claims 11-15, the examiner takes official notice that communication system typically use the various frequencies claimed, and that the use of such 'known' frequencies would have been well within the knowledge of the artisan at the time of the invention.

3. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Tool and Barham as applied to claims 1 and 8 above, and further in view of Anderson (4868915).

In an analogous art, Anderson shows the use of an interrogation transponder system for enabling access to the motor vehicle. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the interrogation-tag system discussed above to access a vehicle in order to provide hands free operation of the vehicle lock, and increase security.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Tool as applied to claim 1 above, and further in view of MacLellan (5940006).

MacLellan shows a plurality of transceivers, which respond to an interrogator. Each transceiver uses its own spreading code to enable collision free communication. See abstract. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used different spreading codes in the DSSS system discussed above, in order to avoid collision between transceivers, as shown by MacLellan.

5. Claims 6 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Tool, MacLellan and Barham as applied to claims 1,3 and 8 above, and further in view of Lanzl (6353406).

In an analogous art, Lanzl shows the use of chirp sequence processing, and the use of a transversal filter to demultiplex, as a method for conducting spread spectrum multiplexing. See col. 11 lines 67+. Since, it has been shown to use different spread spectrum processes in the combination above, it is the examiner's position that the use of other spread spectrum techniques would also have been obvious at the time of the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used any other spread spectrum technique in the above system in order to provide the same bandwidth efficiency and security as discussed above.

6. Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over O'Tool as applied to claim 1 above, and further in view of Tu et al (5682403).

In an analogous art, Tu shows the advantages in using parallel processing in a frequency hopping system. Such processing occurs at the RF band. See figure 3. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used parallel processing as suggested by Tu in the frequency hopping system of Wood in order to increase processing speed and limit the processing speed's impact on the operation of the system.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BAZ

Brian A Zimmerman
Primary Examiner
Art Unit 2635

